

January 2, 1974

of one year. I wonder how a person can make restitution if he has no property while he's in the penal institution. Do you know what.

SENATOR LUEDTKE: Of course he could..

SENATOR BARNETT: Of course, I realize that and I'm not saying that to be silly, but I'm saying what do they make today, or when would restitution come about. How would this be handled. I know it's in the same..the next bill coming up too, and I'd like to have this answered now.

SENATOR LUEDTKE: Well, you're saying if someone were imprisoned.

SENATOR BARNETT: Well, Ray I think it says in there the minimum sentence on page 2 is one year and a maximum of 7 years.

SENATOR LUEDTKE: They can be put on..they can have probation.

SENATOR BARNETT: Even when it's so specified the minimum maximum?

SENATOR LUEDTKE: Oh, yes. Sure.

SENATOR BARNETT: But if they don't. Then what happens. They wait until they serve their term. And come out and make restitution.

SENATOR LUEDTKE: You'd have to wait until they had..if they owned a house of course.

SENATOR BARNETT: I'm talking people usually without property, because those might.

SENATOR LUEDTKE: You're talking about someone that sometimes we refer to as being judgement proof anyway.

SENATOR BARNETT: Right.

SENATOR LUEDTKE: And there's very little that you can do with someone who is judgement proof.

SENATOR BARNETT: So that would just be a waste of ink. having those circumstances.

SENATOR LUEDTKE: Yes, sir.

PRESIDENT: The chair recognizes Senator Kelly and then Senator Nore.

SENATOR KELLY: Mr. President a question for Senator Luedtke.

SENATOR LUEDTKE: I yield.

SENATOR KELLY: Senator Luedtke, when was the \$100 established. As grand larceny.

SENATOR LUEDTKE: Well, I wish we had the statutes here, I could tell you. Years ago. Many years ago.

SENATOR KELLY: Like ten, twenty years ago.

SENATOR LUEDTKE: More than that I believe. I think that probably is the original language. It goes way back to whenever the original larceny laws were put on the book. I don't know that it's probably ever been changed.